

ENROLLED HOUSE
BILL NO. 1103

By: Gilbert, Braddock, Lindley,
Liotta, McClain, Roan,
Sweeden and Walker of the
House

and

Robinson of the Senate

An Act relating to mental health; providing for the designation of a treatment advocate; stating responsibilities; providing for changing or revoking designation; requiring the Board of Mental Health and Substance Abuse Services to promulgate certain rules; providing for contents of certain form; excepting certain persons from requirements of section; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-109.1 of Title 43A, unless there is created a duplication in numbering, reads as follows:

A. A person having a mental illness as defined in Section 1-103 of Title 43A of the Oklahoma Statutes who is under the care of a licensed mental health professional shall be informed by the licensed mental health professional or the mental health treatment facility that the patient has the right to designate a family member or other concerned individual as a treatment advocate. The individual so designated shall act at all times in the best interests of the patient. The patient may change or revoke the designation of a treatment advocate at any time and for any reason. The treatment advocate may participate in the treatment planning and discharge planning of the patient to the extent consented to by the patient and as permitted by law.

B. The Board of Mental Health and Substance Abuse Services shall promulgate rules for all facilities certified by the Department of Mental Health and Substance Abuse Services as to the design, contents, and maintenance of a treatment advocate consent form. The contents of the consent form, at a minimum, shall include a statement indicating that the treatment advocate understands that all mental health treatment information is confidential and that the treatment advocate agrees to maintain confidentiality.

C. This section shall not apply to inmates of the Oklahoma Department of Corrections.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 30th day of April, 2003.

Presiding Officer of the House of
Representatives

Passed the Senate the 14th day of April, 2003.

Presiding Officer of the Senate